a control and operating device executing a user interface to control and operate the service;

wherein the control and operating device is assigned to the user-side terminal and the at least one network server transmits the user interface program to the control and operating device before the service is used, the user-side terminal capable of being independent of the service.

10. (Twice amended) A method for using a service made available in a telecommunications network wherein at least one network server stores at least one user interface program, the at least one user interface program providing operating functionality, said method comprising:

using a user-side control and operating device or terminal to request the at least one user interface program to be transmitted from the at least one network server to the control and operating device before the service is used, and

executing the user interface program by the control and operating device, so that an operator can control and operate the service through a user interface,

wherein the user-side control and operating device or terminal is configured capable of being independent of the service.

REMARKS

Claims 1 to 20 are now pending. Claims 1 and 10 have been amended. Support for this amendment is found in at least the Specification. No new matter has been added.

Applicant respectfully requests reconsideration of the present application in view of this response.

Claims 1, 2, 5, 7, 10 and 15, were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,485,370 to Moss et al. (the "Moss reference").

Applicant respectfully submits that any review of the Moss reference makes plain that it simply does not in any way identically disclose or suggest an apparatus as claimed in claim 1 or 15, or a method as claimed in claim 10.

Specifically, the Moss reference does not in any way identically (as it must for anticipation) disclose or suggest an apparatus that includes a "a control and operating device executing a user interface to control and operate the service" wherein the "control and operating device is assigned to the user-side terminal and the at least one network server

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